

S. Little
3/4/02

DOCKET NO.: STEU-3045

#76 Selection

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Taggart

Examiner: Douglas, Steven O.

Serial No.: 09/781,636

Art Unit: 3751

Filed: 02/12/2001

For: APPARATUS AND METHOD FOR PROVIDING CONTAINER FILLING IN AN
ASEPTIC PROCESSING APPARATUSCommissioner for Patents
Washington D.C. 20231

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Response to Restriction Requirement

Sir:

In response to the Restriction Requirement dated December 26, 2001, Applicant hereby provisionally elects Group II, claims 22-27 and 37-40, drawn to a sterilizing method, classified in class 141, subclass 1. This election is made with traverse, and Applicant hereby reserves the right to file a divisional application in connection with unelected claims 1-21 and 28-36, drawn to a sterilizing apparatus, classified in class 141, subclass 85.

With regard to the Restriction Requirement, Applicant respectfully submits that the subject matter of all claims 1-40 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicant respectfully submits that the search and the examination of the entire application could be made without serious burden. See

MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits" (emphasis added). Applicant respectfully submits that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Should the Examiner require or request anything further from Applicant prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below. Otherwise, Applicant requests early and favorable examination on the merits.



Arlen L. Olsen
Reg. No. 37,543

Dated: 1/29/2007

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